

R.B.,  
*a Minor, by and through her Parent,*  
 Plaintiff,  
 v.  
 MASTERY CHARTER SCHOOL, *and*  
 THE SCHOOL DISTRICT OF  
 PHILADELPHIA  
 Defendants.

CIVIL ACTION  
 NO. 2:10-cv-06722

**AND NOW**, this 28th day of December, 2010, upon consideration of Plaintiff's Motion for a Mandatory IDEA Stay-Put Injunction [doc. no. 2], Defendant Mastery's Response in Opposition [doc. no. 5], Defendant District's Response in Opposition [doc. no. 9], conference between all parties held on December 2, 2010, and evidentiary hearings held on December 16 and 17, 2010, Plaintiff's Motion is hereby **GRANTED**. Relief afforded to R.B. is **ORDERED** as follows:

- 1) Defendant Mastery must reinstate R.B.'s placement at Mastery Charter school no later than January 5, 2011, unless the Parties agree to a mutually acceptable alternative date;
- 2) Counsel shall provide the Court written joint status reports in writing which:
  - i.) Confirms that R.B. has been re-enrolled in Mastery, or that a mutually acceptable alternative agreement about her placement has been reached, by **January 5, 2011**; and,

- ii) Confirms that R.B. is in actual attendance at Mastery, or if an alternative agreement has been reached, that she is in attendance at the alternate location, by **January 10, 2011**.
- 3) All Parties are advised that given the time-sensitive nature of reinstating R.B.'s educational placement, the Court will not tolerate any delay.

Upon consideration of Defendant Philadelphia School District's Motion to Dismiss Plaintiff's Complaint for Injunctive Relief [doc. no. 15] and Plaintiffs' Memorandum of Law in Opposition to Defendant's Motion to Dismiss [doc. no. 24], it is hereby **ORDERED** that Defendant Philadelphia School District's Motion to Dismiss is **GRANTED** for Plaintiff's failure to state a claim upon which relief can be granted.

3) Upon consideration of Defendant Mastery Charter School's Amended Motion to Dismiss Plaintiff's Complaint [doc. no. 16],<sup>1</sup> Plaintiff's Memoranda of Law in Opposition [doc. nos. 18], and Defendant Mastery's Reply thereto [doc. no. 20], it is hereby **ORDERED** that Defendant's Motion is **DENIED**.

This Court retains jurisdiction to enforce these Orders.

**It is so ORDERED.**

**BY THE COURT:**

**/s/ Cynthia M. Rufe**

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**HON. CYNTHIA M. RUFE**

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<sup>1</sup>Defendant Mastery's prior Motion to Dismiss [doc. no. 13] is **DISMISSED as MOOT**.